

REFERENCE TITLE: Local planning; residential housing incentives

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1141

Introduced by
Senator Paton

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-461.14; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-834; RELATING TO LOCAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes, is
3 amended by adding section 9-461.14, to read:

4 **9-461.14. Moderate or lower cost residential housing**

5 A. EXCEPT AS PROVIDED IN SUBSECTION B, A CITY OR TOWN SHALL NOT ADOPT
6 A LAND USE REGULATION OR GENERAL OR SPECIFIC PLAN PROVISION, OR IMPOSE AS A
7 CONDITION FOR APPROVING A BUILDING OR USE PERMIT, A REQUIREMENT OR FEE THAT
8 HAS THE EFFECT OF ESTABLISHING THE SALES OR LEASE PRICE FOR A HOUSING UNIT OR
9 RESIDENTIAL BUILDING LOT OR PARCEL OR THAT REQUIRES A HOUSING UNIT OR
10 RESIDENTIAL BUILDING LOT OR PARCEL TO BE DESIGNATED FOR SALE OR LEASE TO ANY
11 PARTICULAR CLASS OR GROUP OF PURCHASERS.

12 B. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A CITY OR TOWN TO
13 ADOPT OR ENFORCE A LAND USE REGULATION, GENERAL OR SPECIFIC PLAN PROVISION OR
14 CONDITION OF APPROVAL CREATING OR IMPLEMENTING AN INCENTIVE, DENSITY BONUS OR
15 OTHER VOLUNTARY REGULATION, PROVISION OR CONDITION DESIGNED TO INCREASE THE
16 SUPPLY OF MODERATE OR LOWER COST HOUSING UNITS.

17 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes, is
18 amended by adding section 11-834, to read:

19 **11-834. Moderate or lower cost residential housing**

20 A. EXCEPT AS PROVIDED IN SUBSECTION B, A COUNTY SHALL NOT ADOPT A LAND
21 USE REGULATION OR GENERAL PLAN PROVISION, OR IMPOSE AS A CONDITION FOR
22 APPROVING A BUILDING OR USE PERMIT, A REQUIREMENT OR FEE THAT HAS THE EFFECT
23 OF ESTABLISHING THE SALES OR LEASE PRICE FOR A HOUSING UNIT OR RESIDENTIAL
24 BUILDING LOT OR PARCEL OR THAT REQUIRES A HOUSING UNIT OR RESIDENTIAL
25 BUILDING LOT OR PARCEL TO BE DESIGNATED FOR SALE OR LEASE TO ANY PARTICULAR
26 CLASS OR GROUP OF PURCHASERS.

27 B. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY TO ADOPT OR
28 ENFORCE A LAND USE REGULATION, GENERAL PLAN PROVISION OR CONDITION OF
29 APPROVAL CREATING OR IMPLEMENTING AN INCENTIVE, DENSITY BONUS OR OTHER
30 VOLUNTARY REGULATION, PROVISION OR CONDITION DESIGNED TO INCREASE THE SUPPLY
31 OF MODERATE OR LOWER COST HOUSING UNITS.